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OFFICE OF PETITIONS

In re Application of
Paul James Broyles :
Application No. 10/796,627 : DECISION ON PETITION
Filed: March 9, 2004 :
Attorney Docket No. 200301870-2 :

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.181 IN RESPONSE TO NOTICE OF OMITTED ITEMS IN A NONPROVISIONAL APPLICATION", filed February 24, 2005, which is being treated as a petition under 37 C.F.R. 1.53 to accord the above-identified application a filing date of March 9, 2004, with page 7 of the specification as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on March 9, 2004. However, on January 24, 2005, the Initial Patent Examination Division mailed applicant a "Notice of Omitted Item(s) in a NonProvisional Application." Applicant was notified that the application papers had been accorded a filing date of March 9, 2004; however, page 7 of the specification appeared to have been omitted.

In response, applicant filed the instant petition. Accompanying the petition was a copy of page 7 of the specification. Applicant maintains that the application as originally filed included page 7. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "Specification: 21 Pages" as enclosed, bearing a United States

Patent and Trademark Office date-stamp of March 9, 2004, and lacking any notation of non-receipt of any item listed. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Given the basis for granting the petition, no petition fee has been required, and none has been charged.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of March 9, 2004, using the application papers received in the Office on that date and page 7 of the specification as resupplied on petition filed February 24, 2005.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions